

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
CASE NO. 96-12200EFH

KAVEH AFRASIABI)
VS.)
HARVARD UNIVERSITY,)
ET ALL,)

FILED
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2018 AUG -6 PM 2:01
U.S. DISTRICT COURT
DISTRICT OF MASS.

PLAINTIFF'S LETTER TO CHIEF, OFFICE OF THE CLERK, CHIEF JUSTICE OF THE FEDERAL COURT,
REQUESTING THE INVESTIGATION OF (A) ERRONEOUS DOCKET SHEET, (B) THE PRODUCTION OF TAPES
FOR THE HEARING ON MAY 11, 1998

TO: Robert M. Farrell, JUSTICE PATTI SARIS

FROM: KAVEH L. AFRASIABI, Ph.D.

Dear Honorable Saris and Mr. Farrell:

I write this letter to complain that the docket sheet in the instant case has serious factual errors that must be corrected with the help of the tape of the hearing on May 11, 1998, which according to the authorities at the national archive center is somehow missing!


To elaborate,

1. at the pre-trial hearing on 05/11/98 presided by Honorable Judge Harrington, the judge in the presence of a dozen witnesses including several local university professors made a settlement proposal which was accepted by both parties. Harvard's attorneys asked for a recess then came back and told the court that they agreed to the judge's proposal – for a monetary award as well as two-year stipend fellowship for me to recover from my damages. I also consented and then the judge shook my hands and wished me good luck and asked both parties to put their consent in writing. I did that and it is reflected in the "Plaintiff's letter of consent" filed two days later, reflected in the docket sheet, *See Exhibits number 1*

- and 2.* Although the judge had made a final decision and closed the case, approximately ten days later the attorneys representing Harvard informed the court that they had changed their mind and wished to proceed to trial. Judge Harrington complied with Harvard's unreasonable request and the case went to trial and I narrowly lost and then appealed all the way to US Supreme Court and lost 5 to 4.
2. Yet, astonishingly, all references to the judge's settlement proposal and consent of both parties at the hearing on May 11, 1998 have disappeared from the docket sheet, nor is there any trace of Harvard's letter stating that they had changed their mind. Also missing from the archived record is the tape of that particular hearing, which can corroborate the fact that a final decision was made by the judge and the defendants had consented to his proposal. In response to Afasiabi's request for those tapes, Mr. Johnathan Morse, the director of the Federal Center in Waltham has written to Afrasiabi on July 27, 2018 that "The Federal Records Center Staff did not see any tapes in the files for case number 96 cv 12200." This abnormality is further evidence of a sinister attempt to wipe out any record of what happened in court on May 11, 1998.
 3. The docket sheet's summary of the hearing on May 11, 1998 is totally erroneous. There were no arguments about any motion nor any discussion of any issue other than settlement mentioned above. The docket sheet should have stated that the judge's settlement proposal was accepted by both parties and case closed.
 4. I draw your attention to the letters of two witnesses, political science professors Howard Zinn and John Ambacher, confirming the above-said regarding that hearing. Professor Ambacher is also an attorney and represents the faculty union at Framingham State University. See *Exhibits 3 and 4. The name of other witnesses present at that hearing are listed in my second consent letter in September, 1998.*
 5. Also, in September 1998, I wrote a second letter of consent to the judge's proposal in which I complained about the court's willingness to appease Harvard after Harvard had consented to the settlement proposal. See *Exhibit Number 5.*
 6. In my humble opinion, justice delayed is not justice denied and if the above-said errors with the docket sheet and the fate of the tape for the said hearing are cleared, then logically speaking I have a decent chance to convince the appeals court to reopen the appellate process in this case and to render a decision in my favor by upholding that the judge's decision to close the case on May 11, 1998 was final and the judge erred by reversing himself per the subsequent request of the powerful defendants. A grievous injustice against me has been perpetrated that must now be remedied.

Therefore, I request a formal investigation of this matter and setting the record straight with respect to the hearing on May 11, 1998, which has been grossly misrepresented in the docket sheet in order to give the defendant Harvard a clean bill of health after they had violated my civil and constitutional rights.

Respectfully,


Kaveh L. Afrasiabi, Ph.D.

16 Sunset Road, Watertown, MA 02472

		(Entered: 04/07/1998)
04/08/1998	274	Response by Harvard University, Harvard University, Richard W. Mederos, William Riley, Lauren Donahue, Roy P. Mottahedeh, Reza Alavi to [273-1] motion for John Swomley to withdraw as attorney , filed. (seh) (Entered: 04/09/1998)
04/10/1998	275	Motion by Kaveh L. Afrasiabi for reconsideration of [67-1] order (Doc #46) , filed. (seh) (Entered: 04/13/1998)
04/10/1998	276	Response by Kaveh L. Afrasiabi in opposition to motion to change the date of hearing, filed. (seh) Modified on 05/01/1998 (Entered: 04/13/1998)
04/20/1998	277	Motion by All Defendants for temporary restraining order , filed. (Docket corrected this date (05/01/98) by Operations Manager - motion #277 docketed in error with docket date of 4/10/98 - document filed in USDC on 4/20/98) (seh) Modified on 05/01/1998 (Entered: 04/21/1998)
04/20/1998	278	Response by All Defendants in opposition to [275-1] motion for reconsideration of [67-1] order (Doc #46) , filed. (seh) (Entered: 04/21/1998)
04/22/1998	279	Judge Edward F. Harrington . Order entered denying [189-1] motion to Add a Second Addendum to His Motion to REconsider the Order REgarding the Deposition of Salman Rushdie, denying [188-1] motion For Permission to RRelease to the Press the Video Depositions, denying [187-1] motion to compel Deposition Regarding Harvard University's Ties with the Mustazafin FOundation, denying [177-1] motion for sanctions For Failure of Deft Alavi to Appear at Depositioning, denying [170-1] motion to Take Deposition of TOM O'Reilly and Jill Reilly. SO ORDERED. cc/cl (seh) (Entered: 04/23/1998)
04/30/1998	280	EMERGENCY Motion by Kaveh L. Afrasiabi for Evidentiary Hearing on defendants' motion for a restraining order , filed. (seh) (Entered: 05/01/1998)
05/01/1998		Judge Edward F. Harrington . Endorsed Order entered denying [280-1] motion for Evidentiary Hearing on defendants' motion for a restraining order. MOTION DENIED. cc/cl (seh) (Entered: 05/05/1998)
05/05/1998	281	Motion by Kaveh L. Afrasiabi for summary judgment , filed. (seh) (Entered: 05/05/1998)
05/05/1998	282	Memorandum by Kaveh L. Afrasiabi in support of [281-1] motion for summary judgment , filed. (seh) (Entered: 05/05/1998)
05/05/1998	283	Letter by Kaveh L. Afrasiabi dated: 4/29/98 to: Judge Harrington re: return of. mail filed. (seh) (Entered: 05/05/1998)
05/11/1998		Motion hearing re: [281-1] motion for summary judgment, [208-1] motion for summary judgment Motion hearing held, [202-1] motion for summary judgment Motion hearing held, [200-1] motion for summary judgment Motion hearing held, [198-1] motion for summary judgment Motion hearing held, [196-1] motion for summary judgment Motion hearing held, [193-1] motion for summary judgment. (seh) (Entered: 05/15/1998)
05/11/1998	285	Judge Edward F. Harrington . Clerk's Notes: re: S/J motions hearing.

X

		Arguments heard; matters taken under advisement. Court Reporter: PCP (seh) (Entered: 05/15/1998)
05/13/1998	284	Letter by Kaveh L. Afrasiabi to: Deputy Clerks re: communication filed. (seh) (Entered: 05/13/1998)
05/15/1998	285	Judge Edward F. Harrington . Clerk's Notes: re: S/J hearing on 5/11/98. Memorandum & order issued; trial order issued: trial scheduled for 12/7/98 at 9:00 A.M. as to defendants R. Mederos, R. Alavi & S. Rana. Court Reporter: none (seh) (Entered: 05/15/1998)
05/15/1998	286	Judge Edward F. Harrington . Memorandum and Order entered. denying [281-1] motion for summary judgment, denying [208-1] motion for summary judgment, granting [202-1] motion for summary judgment, granting [200-1] motion for summary judgment, granting in part, denying in part [198-1] motion for summary judgment. (See document #286 for complete memorandum and order) SO ORDERED. cc/cl (seh) (Entered: 05/15/1998)
05/15/1998	286	Judge Edward F. Harrington . Memorandum and Order entered. granting [196-1] motion for summary judgment, denying [193-1] motion for summary judgment. (See document # 286 for complete memorandum and order) SO ORDERED. cc/cl (seh) (Entered: 05/15/1998)
05/15/1998	287	Judge Edward F. Harrington . Procedural Order entered re: Trial; Jury Trial set for 9:00 12/7/98. SO ORDERED. cc/cl (seh) (Entered: 05/15/1998)
05/15/1998	286	Judge Edward F. Harrington . Memorandum and Order entered. denying [172-1] motion for Partial summary judgment Against Defts Harvard University and Shobhana Rana. SO ORDERED. (See document #286 for complete memorandum and order) (seh) (Entered: 05/19/1998)
05/18/1998	288	Judge Edward F. Harrington . Order entered granting [194-1] motion for leave to file Memorandum in excess, denying [212-1] motion to delay decision on summary judgment, denying [213-1] motion to strike exhibits of defendants' motion for summary judgment, denying [214-1] motion to strike [198-1] motion for summary judgment, [196-1] motion for summary judgment. SO ORDERED. cc/cl (seh) (Entered: 05/19/1998)
05/18/1998	288	Judge Edward F. Harrington . Order entered denying [219-1] motion to strike [208-1] motion for summary judgment, [202-1] motion for summary judgment, [200-1] motion for summary judgment, denying [219-2] motion for sanctions, denying [261-1] motion for reconsideration of [0-0] endorsed order, [247-1] order, denying [264-1] motion to strike exhibits from plaintiffs opposition to defendants motion for summary judgment, denying [275-1] motion for reconsideration of [67-1] order (Doc #46), denying [277-1] motion for temporary restraining order. SO ORDERED. cc/cl (seh) (Entered: 05/19/1998)
05/18/1998	289	Mandate of US Court of Appeals re: dismissing [0-0] case . The appellant having failed to take either action, it is ordered that the above captioned appeal be dismissed for failure to prosecute. (fmr) (Entered: 05/19/1998)
05/18/1998		Record on appeal returned from U.S. Court of Appeals, re: . (fmr) (Entered: 05/19/1998)

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

C.A., NO.: 96-12200EFH

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SEP 8 12 55 PM '98**

Kaveh L. Afrasiabi)
Plaintiff,)
)
VS.)
)
Harvard University et al)
Defendants.)

**PLAINTIFF'S LETTER OF CONSENT TO JUDGE 'S PROPOSED
SETTLEMENT**

Honorable Edward F. Harrington
Justice, U.S. District Court
90 Devonshire Street
Boston, MA 02109

Dear Judge Harrington:

This is a follow-up letter to inform you that the defendants have rejected your honor's proposed settlement on May 11, 1998. Harvard's general counsel, Mr. Allan Ryan, has informed my negotiating advocate, retired judge Larence Shubow, that they are not interested in any settlement.

For the record, your honor's proposed settlement on May 11, 1998 was two-fold: \$175,000.00 damage reward, and a two year position as research assistant at Harvard University. Harvard University counsel, Mr. Ryan, spoke at the hearing and stated that this settlement would be for all the outstanding suits against Harvard University. Unfortunately, Mr. Ryan has reversed himself and is seemingly intent on a logic of exterminism with respect to his pro se plaintiff.

Plaintiff draws the court's attention to the list of witnesses present at court on May 11, 1998 when your honor announced the proposed settlement terms mentioned above:

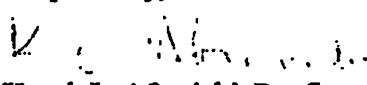
Professor John Ambacher (framingham State College)
Professor Rene Leblanc (framingham State College)
Professoer Mark Seiden (framingham State College)
Professor Bernard Horn (Framingham State College)
Professor Bill Barklow (Framingham State College)
Professor Howard Zinn (Boston University)
Professor Jeff McConnel (Tufts)
Professor James Iffland (Boston University)

DOCKETED
(3/8)

Professor Francois Konga (Boston University)
Mr. Thomas Klein (high tech executive)
Julie Quiroga (mother-in law)
Sylvia Quiroga (wife)
Thomas Rast (business owner)
Mario Bocabella (business owner)
Beate Klein (relative, administrator)

Notwithstanding the false arrest, imprisonment, defamation, and three years of legal costs, causing substantial debts to court reporters, videographers, etc., the above settlement proposal by your honor is, by all indications, a modest one. However, in the interest of my family and my severely damaged career, I ~~am~~^{am} consenting to this proposal. I pray your honor to encourage the opposing party to ~~consent~~^{consent} as well, instead of continuously treating me with such scorn and disrespect. I have fought for my repressed rights as any respected citizen would, and attorneys at venerable Harvard University should be able to understand this.

Respectfully,


Kaveh L. Afrasiabi, Pro Se
P.O. Box 456
Newton, MA 02159

Date: September 3, 1998

CC: Richard Riley, p.c.; Carol Kelly, p.c.; Allan Ryan, p.c.; John Ambacher; James Iffland; Rene Leblanc; Mark Seiden; Thomas Klein; Bernard Horn; Mike Wallace; Howard Zinn; Francois Konga; Jeff McConnel; Bill barklow; Beate Klein; Julie Quiroga.

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
CASE NO: 96-12200EFH

KAVEH L. AFRASIABI)
VS.)
HARVARD UNIVERSITY et all)

PLAINTIFF'S CONSENT TO COURT'S SETTLEMENT PROPOSAL

Honorable Judge Edward Harrington:

Per your Honor's request at the hearing on May 11, 1998, I Kaveh L. Afrasiabi, the pro se plaintiff, hereby consent in writing to your Honor's proposed settlement, which was also agreed upon at this hearing by the attorneys representing Harvard University.

On behalf of my long-suffering family, I thank your Honor for rendering justice in this matter.

Respectfully,

Kaveh L. Afrasiabi

Kaveh L. Afrasiabi, Ph.D.

May 11, 1998

CC: attorney Richard Riley, Mike Wallace, Howard Zinn

- **John Ambacher** <jambacher@framingham.edu>

To:kavehafrasiabi@yahoo.com

Mar 28, 2015 at 10:42 AM

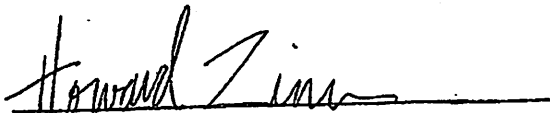
To whom it may concern:

In May of 1998 I witnessed the offer made by Harvard University to Dr. Kaveh Afrasiabi which included a monetary settlement and a two year fellowship at Harvard University proposed by the judge.

Dr. John Ambacher, Framingham State University

Dear Judge Edward Harrington:

I write this letter on behalf of my colleague and former student Dr. Kaveh Afrasiabi who is seeking justice against mighty Harvard in your court. I am shocked to learn from Kaveh that Harvard has reversed itself on the settlement after consenting to it at the hearing in May. As you may recall, after Your Honor proposed the monetary settlement and the two-year fellowship for Kaveh to recover from his extensive damages, Harvard's attorneys asked for a recess and then came back and told the court that they agreed. At that point I requested to approach the bench and it was granted. I then implored your Honor to increase the money amount awarded to Kaveh and Your Honor responded, "I am sorry but this is the best I can do." Kaveh then consented as well and Your Honor shook his hand and wished him good luck and instructed both sides to put their consent in writing. I have seen the letter of consent by Kaveh that he submitted the very next day and, logically-speaking, my impression was that the case is over and Kaveh has received a token of justice after all that he has unjustly suffered in the hands of Harvard University and its cronies. As a professor of *Law and Justice* for the past 30 years, I am absolutely shocked and baffled to learn that Your Honor has complied with Harvard's unreasonable and unlawful request to proceed to trial (against a powerless pro se) despite the fact, witnessed by me and a dozen other witnesses in court at that hearing, that Your Honor made a final decision to close the case after both sides consented to the modest settlement proposal. In my opinion, this raises serious questions regarding Harvard's manipulation of the justice system and runs contrary to the spirit of American justice. Therefore, I feel morally and ethically compelled to impress upon your Honor the importance of upholding the principle of equal justice by implementing the final decision of the court with respect to the settlement at the hearing above-mentioned. There is no doubt in my mind that failure to do so may win Harvard a tainted victory in court but will come at a higher price for the prestige and credibility of both Harvard and this court, which has seemingly chosen to prioritize appeasing the powerful defendants over the dictates of justice.


Political Science Professor, Boston University

September 12, 1998

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 by Kaveh L. Afrasiabi Ph.D (Author)
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"It's outrageous what they have done to him. I admire Afrasiabi for his courage, dignity and the brilliance displayed in his legal battle as a pro se." Howard Zinn, historian and author of A People's History of the United States
 The harrowing true story of human rights violation at Harvard University and the long battle by the author, a renowned political scientist and author of several books and numerous articles in prestigious journals including Harvard publications,
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About the Author

Kaveh L. Afrasiabi has a Ph.D. in political science and specializes in Iran's foreign and nuclear affairs. Afrasiabi has taught at Tehran University and Boston University, and has done research at Harvard University, University of California at Berkeley, and the Center For Strategic Research, a think tank in Tehran. Afrasiabi has been a consultant to the United Nations' Program on Dialogue Among Civilizations as well as to CBS' Television. Afrasiabi has published several books, book chapters, and numerous articles in prestigious journals and newspapers, including: *After Khomeini: New Directions in Iran's Foreign Policy* (Westview), *Islam and Ecology* (Harvard University Press), and articles in *UN Chronicle*, *Middle East Journal*, *Harvard Theological Review*, *Brown's Journal of World Affairs*, *Telos*, *Mediterranean Affairs*, *New York Times*, *International Herald Tribune*, *San Francisco Chronicle*, *Boston Globe*, *Asia Times*, *Der Tagesspiegel*, etc.

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